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**DEC 16 2003**

In re Application of: )  
)  
**Gerald H. Ablan** )  
) **Art Unit: 3621**  
)  
**Serial No.: 09/644,411** )  
) **Examiner: C. Hewitt II**  
)  
**Filed: August 23, 2000** )  
)  
**For: Auction Management System** )

**RESPONSE TO FIRST OFFICIAL ACTION**

Commissioner for Patents  
Mail Stop Non-Fee Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 16, 2003

Sir:

**AMENDMENT**

In response to the First Official Action mailed October 4, 2003, please enter the amendment shown in the attached Amendment Dated December 16, 2003.

**REMARKS**

The examiner rejected certain of the previously pending claims based on the form of the claims under 35 U.S.C. § 101 and 112. The claim have been amended to overcome these rejections. In particular, all the claims are now directed to a computer-readable medium containing computer executable instructions or to a computer controlled apparatus executing such instructions. A method that could conceivably be implemented by a person without the use of a computer is not claimed.

I hereby certify that this correspondence is being filed with the  
United States Patent and Trademark Office, Patents by  
facsimile directed to Examiner Calvin Lloyd Hewitt II in Art Unit  
**3621** ~~3321~~ at (703) 305-7687 on August 16, 2003.

  
Michael J. Mehrman - Reg. No. 40,086